2013 IL App (3d) 130536-U

Order filed November 12, 2013

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

A.D., 2013

In re A.C.,	)	Appeal from the Circuit Court
	)	of the 21st Judicial Circuit,
a Minor	)	Iroquois County, Illinois
	)	
(The People of the State of Illinois,	)	
	)	
Petitioner-Appellee,	)	Appeal No. 3-13-0536
	)	Circuit No. 08-JA-18
v.	)	
	)	
A.R.,	)	
	)	Honorable James B. Kinzer,
Respondent-Appellant).	)	Judge, Presiding.

JUSTICE SCHMIDT delivered the judgment of the court.
Justices Carter and O'Brien concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's determination that respondent was unfit pursuant to sections 50/1(D)(m)(iii) and 50/1(D)(b) of the Adoption Act (750 ILCS 50/1 (West 2010)) was not against the manifest weight of the evidence. The trial court's finding that it was in the minor's best interest to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 2 Respondent, A.R., is the biological father of A.C., the minor child. On April 4, 2013, the State filed a petition to terminate the parental rights of respondent and A.C.'s biological mother, G.C.

¶ 3 Following a hearing, the trial court found respondent unfit on two grounds: first, that respondent failed to make reasonable progress toward the return of the minor child within the relevant nine-month period and second, that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare.

¶ 4 Proceeding to the best interest hearing, the trial court found, *inter alia*, that there was no bond between respondent and A.C., and thus it was in A.C.'s best interests that respondent's parental rights be terminated.

¶ 5 Respondent appeals, claiming that the State failed to prove by clear and convincing evidence that respondent was unfit on either basis, and that the trial court's best interest determination was against the manifest weight of the evidence.

¶ 6 We affirm.

¶ 7 BACKGROUND

¶ 8 A.C. was born on January 21, 2008. The respondent, A.R., is his biological father. The minor's biological mother, G.C., had her parental rights terminated in a separate petition filed simultaneously by the State. The termination of G.C.'s parental rights are not at issue on appeal.

¶ 9 In February 2008, the Department of Children and Family Services (DCFS) became involved with the family after a hotline call reported that G.C. was not adequately caring for her

children, there was no food in the house, the children were not bathed regularly, and G.C. was bipolar/manic and did not take her medication for her disorder. At the time of the hotline call, the respondent and A.C resided with G.C. and her two other children, H.C. and J.C., in Cissna Park, Illinois. Respondent is neither the legal nor biological father of H.C. and J.C. It was further reported to DCFS that respondent did not work and that he sat around the house in his underwear and watched pornographic movies. During the course of the investigation, there were allegations that respondent was physically abusive to H.C. and J.C., and that they were fearful of respondent.

¶ 10 The State initially filed a petition for adjudication of wardship on June 13, 2008, alleging that A.C. was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2006)). Following a hearing, the trial court found that probable cause existed to believe A.C. was abused or neglected due to an environment that is injurious to the welfare of the minor. A.C. was made a ward of the court, and the court appointed DCFS as A.C.'s guardian. A.C. was placed in relative foster care with the maternal grandparents.

¶ 11 The State filed its first petition to terminate parental rights on August 20, 2010. On October 14, 2010, the trial court found respondent unfit due to his failure to correct the conditions and make progress to remedy the problems that led to the removal of the minor from the home. The trial court then proceeded to a best interest hearing, finding it was in the minor's best interest for respondent's parental rights to be terminated. The respondent appealed the decision, and on July 15, 2011, this court reversed the decision of the trial court. See *In re A.C.,*

J.C. and H.C., 2011 IL App (3d) 110062-U (unpublished order under Supreme Court Rule 23) (While we sometimes refer to the children, plural, this appeal involves only the termination of respondent's parental rights over A.C.). Following the reversal, the trial court entered a permanency order on December 27, 2011, changing the permanency goal from adoption to return home within 12 months in accordance with this court's mandate.

¶ 12 The trial court ordered DCFS to provide a service plan at least 14 days prior to the next hearing on January 13, 2012. Lutheran Social Services of Illinois (Lutheran) prepared a report on January 10, 2012.

¶ 13 Lutheran initiated the new service plan following the January 13, 2012, hearing. The plan required respondent to complete the following tasks: individual counseling, a parenting class, a substance abuse assessment and any recommended services, maintain stable and consistent income, and maintain safe and stable housing. These tasks were identical to those provided in the 2008 service plan. Respondent notes that under the original service plan, he completed two parenting classes, a domestic violence assessment, and had been engaged in individual counseling.

¶ 14 Respondent requested visitation with A.C. following the December 2011 hearing. A visitation plan was established on January 25, 2012, that provided for weekly one-hour visits. Some visits were scheduled to take place in Cissna Park, Illinois, others in Champaign, Illinois. Respondent was responsible for his own transportation. According to respondent, his visitations with A.C. were sporadic due to issues with transportation and illness. However, Lutheran

Champaign caseworker, Megan McHaney, testified that respondent never indicated transportation was an issue. Respondent attended six visits total with A.C. before a clinical decision was made on June 21, 2012, to temporarily stop visits. According to McHaney, the visits were cancelled due to negative reactions A.C. exhibited following time with respondent. These reactions included tantrums, emotional outbursts, and stress. Respondent notes that these observations were reported by the foster parents, not from anything McHaney personally witnessed.

¶ 15 In June of 2012, the Champaign Lutheran office shared the case with the Chicago Lutheran office. Kyle Turner of the Chicago Lutheran office became respondent's case manager. In a letter dated June 25, 2012, Turner notified respondent of the service plan and the tasks he was required to complete.

¶ 16 On July 16, 2012, Lutheran filed a family service plan update. The report indicated that respondent had not yet begun services and that with the exception of an internal therapy referral, no referrals for services had been made by Lutheran for respondent. Lutheran explained that service referrals had not been made due to the sharing of the file between the Champaign and Chicago offices. The July 16 service plan update noted that respondent had shown a willingness to participate in services, but further stated that he had made "unsatisfactory progress" in the following tasks: signing all needed consents and in attending individual therapy sessions; demonstrating age appropriate discipline and completing necessary referral paperwork; signing releases and attending and participating in parenting classes; completing a substance abuse

assessment, participating in drug screens, and successfully completing any recommended drug abuse treatment; signing consents for release of information; providing proof of employment and notifying the caseworker of any changes in the living or financial situation.

¶ 17 Furthermore, the Lutheran caseworker could not refer services until there was a "Child & Family Team Meeting" between the Champaign Lutheran caseworker and respondent. The initial meeting had been scheduled for June 26, 2012, but G.C. apparently cancelled that meeting due to illness. Turner eventually met with respondent on August 27, 2012. Respondent told Turner he did not want him in his home. Respondent refused to allow Lutheran caseworkers in to his home from June through September 2012. At the fitness hearing, McHaney testified that she and Turner had the same experience with respondent, insofar as she had also scheduled a meeting to walk through respondent's residence in Chicago in July 2012, but respondent cancelled at the last minute. McHaney indicated these walk-throughs are necessary to ensure the residence is safe for the children. McHaney further testified that respondent had not completed a substance abuse assessment as of August 27, 2012.

¶ 18 The record reflects that respondent was referred to therapy with Dr. Phillip Ellinger, LPC of Lutheran Chicago, to conduct domestic violence screening and a mental health assessment. Respondent testified that he was attending sessions with Dr. Ellinger. McHaney, on the other hand, testified that respondent had been terminated from services with Dr. Ellinger as a result of missing three sessions after attending only one session. Respondent points to State's exhibit No. 6 containing a report from Dr. Ellinger that shows respondent attended six sessions. The report

also states that respondent was "semi-consistent" with attendance. Respondent testified that individual therapy was discontinued once the case was transferred to Children's Home and Aid (CHA) in Bloomington, Illinois in October of 2012. Respondent did not state that the services were terminated, simply that there were discontinued based on another transfer of the case to yet another agency.

¶ 19 For reasons that remain unclear, Lutheran transferred the family's case to CHA on October 8, 2012. Jamie Guerrettaz became respondent's caseworker. A home visit scheduled for October 2012 was cancelled by respondent and G.C. As a result, Guerrettaz was unable to meet with the parents until November 26, 2012. At this time, respondent refused to allow Guerrettaz to visit his residence. The monthly home visits for November and December therefore took place at the Chicago CHA offices. Guerrettaz testified that she could not complete the referral for services for both parents until she had a chance to meet with them and verify their living situation and other information. This, along with the fact that parents did not initially sign consents for a referral, accounted for the delay in respondent obtaining services.

¶ 20 As for respondent's home, Guerrettaz testified it was split into two apartments and that respondent told her there were three bedrooms on his side. Guerrettaz only observed respondent's room, and did not believe that it was sufficient space for A.C. Respondent reported that his mother had owned the home for 10 years, and he had lived there on and off since that time. Respondent resided with his mother and other immediate family members. At the time of Guerrettaz's visit, G.C. did not reside with respondent. Respondent also indicated to Guerrettaz

that he and G.C. planned to get a residence of their own. Guerrettaz testified that because respondent planned on finding a new residence with G.C., she did not consider respondent's current address a return home location.

¶ 21 On December 7, 2012, respondent was referred to counseling through CHA. His assigned therapist, Sara Felder, had difficulty contacting the respondent. Respondent subsequently rescheduled his appointment for February 13, 2013. Guerrettaz testified that CHA closed out respondent's case when the goal was changed to a goal other than return home. The record reflects that per a permanency order on March 1, 2013, the goal was changed to substitute care pending termination.

¶ 22 Respondent completed a domestic violence assessment on January 8, 2013. It was recommended that respondent complete a 26-week partner abuse intervention program. The next program started February 2, 2013. Respondent completed 15 of 26 weeks of classes as of the fitness hearing on May 20, 2013. Respondent missed one class.

¶ 23 While respondent had previously completed a parenting class in 2010, he was referred to additional parenting classes through CHA given that he had not had visits with A.C. since June 2012. Respondent was referred for classes on January 14, 2013; however, he was ineligible for these services due to the change in the permanency goal.

¶ 24 Respondent characterized his employment during the relevant time period from June 1, 2012, to March 1, 2013, as sporadic. McHaney testified that under the plan, respondent was required to provide proof of employment. Yet, respondent failed to provide her any pay stubs

and gave inconsistent information regarding employers. Guerrettaz stated that respondent was unemployed the entire time she managed the case (since October 2012). Respondent told Guerrettaz that he had recently obtained employment at Home Depot, but she had yet to verify his employment. There is no proof of employment in the record before this court. As of the May 20, 2013, best interest hearing, which is outside the relevant nine-month period, respondent was employed and provided the court with proof of income. The trial court noted that the paycheck stub was dated May 17, 2013, for the week of May 12, 2013, and that the year-to-date gross income indicated it was respondent's first week at work.

¶ 25 McHaney and Guerrettaz both testified as to their opinions on respondent's progress throughout the pendency of the case and during the relevant nine-month time-frame from June 2012 to March 2013. Between June and September 2012 when McHaney handled the case, she stated that it did not appear respondent was concerned for A.C., despite the fact that the minor had problems and was struggling. Respondent had not been compliant with the service plan, and continued to show lack of progress despite continual communication by Lutheran caseworkers. McHaney stated that respondent did not call her personally to ask about A.C., but did ask about the minor on one occasion when she called to schedule a meeting.

¶ 26 Guerrettaz testified that respondent had not made any progress from October 2012 to February 2013. On cross-examination, she stated that respondent had begun making minimal progress in January 2013. Respondent completed a drug assessment on July 12, 2012, but refused to sign a release of information. Regarding respondent's overall progress, Guerrettaz

noted respondent's failure to find suitable housing and his unemployment throughout the majority of the case. She indicated that she could not complete a budget with respondent as required because respondent had no income or expenses to reflect. She further noted respondent displayed a significant level of denial as to why A.C. had been removed from the home and what respondent could do to have A.C. returned.

¶ 27 Respondent's visitation with A.C. remained suspended. According to Guerrettaz, A.C. indicated that he did not want to see respondent. When asked about the issue of maintaining reasonable interest in A. C. specifically, Guerrettaz stated that respondent had been invited to clinical staffings, but never participated either in person or by telephone. She further testified that she asked respondent to write letters to A.C., but he did not do so. She did note that respondent sent a letter to A.C. in April of 2013 (outside the relevant time period). Like McHaney, Guerrettaz also stated that respondent never inquired about A.C.

¶ 28 Respondent testified on his own behalf, stating that he often requested visitation with his child and had made such requests through Paige and Nick of Lutheran. He testified that he did not contact A.C. because of difficulties with the foster parents, A.C.'s maternal grandparents. Guerrettaz testified that respondent had notified her of the hostile relationship between respondent and the foster parents. Respondent notes that he attended each and every court hearing since the initial petition for termination of parental rights was filed. He also stated that he wrote two letters to A.C. and brought gifts for the children in February or March of 2013.

¶ 29 At the conclusion of the fitness hearing on May 20, 2013, the trial court found that the

State had proven respondent's unfitness by clear and convincing evidence on both bases. Specifically, the court found that respondent failed to maintain a reasonable degree of interest, concern, or responsibility regarding A.C., noting that respondent did not make any effort to contact A.C., even after having been prompted to do so by the caseworker. Throughout respondent's testimony, the court observed that respondent referred to A.C. not by name, but only as "kid." The court found that respondent's pattern of canceling meetings and visits demonstrated that respondent had no interest in following through with services. The trial court placed little to no credence in respondent's explanations that illness was the cause for said cancellations.

¶ 30 The trial court found that minimal progress had been made, but noted that the statute called for reasonable progress. Respondent had not made any progress in counseling from June 2012 to January 2013. The court stated that the grudging minimal compliance in January and February was not enough to undo respondent's lack of progress and complete lack of interest in A.C. Accordingly, the court found respondent unfit.

¶ 31 After a ten minute recess, the trial court conducted the best interest hearing. Guerrettaz testified for the State, stating that there was little or no bond between the children and their parents (this implicitly includes A.C. and respondent). Guerrettaz stated that the children were thriving in the last month since being placed in traditional specialized foster care. She had continuing concerns about the children being placed with their biological parents given their inability to care for themselves. She further opined that it would be inappropriate to put the children, including A.C., back into the care of A.R. and G.C. As of the best interest hearing, the

current foster parents verbalized a willingness to adopt all three children.

¶ 32 The trial court then determined it was in A.C.'s best interest that respondent's parental rights be terminated, noting that all the factors of the best interest statute weighed in favor of termination. The court specifically noted that there was no bond whatsoever between A.C. and his biological parents.

¶ 33 This timely appeal followed.

¶ 34 ANALYSIS

¶ 35 I. Unfitness

¶ 36 Respondent contends that the trial court's finding that respondent is unfit is against the manifest weight of the evidence. Specifically, he alleges that the State failed to prove by clear and convincing evidence that: (1) respondent failed to make reasonable progress toward the return of A.C. during the applicable nine-month period from June 1, 2012, to March 1, 2013, pursuant to section 50/1(D)(m)(iii) of the Adoption Act (750 ILCS 50/1(D)(m)(iii) (West 2010)); and (2) respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare pursuant to section 50/1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2010)).

¶ 37 Under the Juvenile Court Act, parental rights cannot be terminated absent the parent's consent unless the court first determines, by clear and convincing evidence, that the parent is an "unfit person" as defined by section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2010)). *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005); 705 ILCS 405/2-29(2) (West 2010).

> "The burden of proving by clear and convincing evidence that a parent is unfit rests with the State. [Citation.] A trial court's determination that a parent's unfitness has been established by clear and convincing evidence will not be disturbed on review unless it is contrary to the manifest weight of the evidence. A court's decision regarding a parent's fitness is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent. [Citation.] In assessing whether the court's decision is contrary to the manifest weight of the evidence, a reviewing court must remain mindful that every matter concerning parental fitness is *sui generis*. [Citation.] Each case must therefore be decided on the particular facts and circumstances presented. [Citation.]" *In re Gwynne P.*, 215 Ill. 2d at 354.

¶ 38 In his brief, respondent breaks the two separate bases for unfitness into two separate sections, arguing that the trial court's finding as to each was against the manifest weight of the evidence. We will similarly break down our analysis, but not without first noting that these two bases are not mutually exclusive. It is only logical to assume that if a parent fails to show a reasonable degree of interest, concern, or responsibility for the minor's welfare, that lack of interest would be readily apparent in the parent's failure to make reasonable progress toward the return of the children. By that same token, a parent's failure to make reasonable progress toward the return of the minor, including substantially fulfilling his or her obligations under the service

plan, would demonstrate a lack of interest or concern to remedy those problems that caused the child's removal in the first place.

¶ 39 A. Failure to Make Reasonable Progress During the Relevant Nine-Month Period

¶ 40 We find that the facts set forth in the preceding paragraphs are clear—a service plan was in place, and respondent failed to substantially comply or make reasonable progress to correct the conditions that led to the removal of the minor.

¶ 41 Pursuant to section 50/1D(m)(iii) of the Adoption Act:

> "If a service plan has been established as required * * * to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, 'failure to make reasonable progress toward the return of the child to the parent' includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987." 750 ILCS 50/1(D)(m)(iii) (West 2010).

¶ 42 Respondent's compliance with the plan was anything but substantial. During the nine-month period from June 1, 2012, through March 1, 2013, respondent was required to attend individual counseling sessions. Respondent takes umbrage with McHaney's testimony that therapy sessions with Dr. Ellinger were cancelled due to failure to attend, and observes that the record shows that he attended six therapy sessions. Regardless, Dr. Ellinger stated in his report that respondent's attendance was "semi-consistent." Furthermore, there is no record that respondent attended any individual therapy sessions after October 19, 2012. Respondent's argument that individual therapy was discontinued once the case was transferred to CHA Bloomington in October of 2012 does not excuse his noncompliance, particularly when it was respondent who caused a delay in services by canceling the meetings and refusing to sign the consents that would result in referrals to such services.

¶ 43 Respondent asserts that he also maintained safe and stable housing as required under the plan, as he resided at the same address the entire relevant period. While that is true, respondent fails to mention that he refused to allow either Lutheran or CHA caseworkers into his home until January 2013. When Guerrettaz finally observed respondent's residence, she expressed her concerns to respondent that it was not an appropriate space for A.C. Respondent acknowledges that Guerrettaz indicated that she did not consider his current residence a return home location for A.C. Moreover, respondent told the caseworker that he planned on obtaining new housing with G.C.—Guerrettaz thus did not consider respondent's current residence a return home location, nor could she observe their potential new home to make such a determination.

¶ 44 Lastly, respondent failed to maintain stable and consistent income as required under the plan. He acknowledged that he was unemployed from the summer through the winter of 2012. However, respondent fails to point us to, nor does there appear to be, any proof of employment in the record. While respondent characterizes his employment history as sporadic; we would call it nonexistent. The record is devoid of any evidence that would indicate respondent was ever employed during the relevant nine-month period.

¶ 45 We recognize that respondent did, in fact, complete some of the tasks delineated in the service plan and take advantage of some of the services offered. It does not escape our notice that he submitted to a domestic violence assessment and had completed 15 of 26 weeks of domestic violence counseling as of the date of the fitness hearing, missing only one class. We also note that he completed a substance abuse assessment on July 12, 2012, and his drug screen was negative for illegal substances. Respondent does not dispute the fact that he was not 100% compliant with the plan, but argues that the Adoption Act does not require 100% compliance.

¶ 46 Reasonable progress is an objective standard, focusing on the amount of progress toward the goal of reunification one can reasonably expect under the circumstances. *In re C.M.*, 305 Ill. App. 3d 154, 164 (1999). Under the circumstances, respondent argues, his progress was reasonable given that even though his parental rights were reinstated in July 2011, Lutheran did not establish a service plan until January 13, 2012. This argument misses the point. In the State's petition, the relevant nine-month period in which respondent failed to make reasonable progress was June 2012 through March 2013. What happened between July 2011 and June 2012

is outside the scope of our review. The trial court found that respondent's "grudging minimal compliance" toward the end of the relevant period simply could not be called substantial compliance, placing little credence in respondent's testimony and his reasons for cancelling visits with A.C. and appointments with CHA. It is not within the province of this court to reweigh the evidence or reassess the credibility of witnesses. See *In re April C.*, 345 Ill. App. 3d 872, 889 (2004). Based on those facts before us in the record, we cannot say the trial court's finding that respondent was unfit for failure to make reasonable progress toward the return of A.C. is against the manifest weight of the evidence.

¶ 47 B. Failure to Maintain A Reasonable Degree of Interest, Concern, or Responsibility

¶ 48 We similarly find that the trial court's determination that respondent is unfit for failure to maintain a reasonable degree of interest, concern, or responsibility as to A.C.'s welfare is not against the manifest weight of the evidence. Having held that the trial court's finding that respondent was unfit for failure to make reasonable progress toward the return of A.C. during the relevant nine-month period, we need not necessarily address respondent's contention that he maintained a reasonable degree of interest. See *In re D.L.*, 191 Ill. 2d 1 (2000) (holding that when a trial court bases a finding of unfitness upon more than one ground, we must affirm if any one of the grounds justifies the finding).

¶ 49 Nevertheless, we note that in *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006), the court stated that, "[i]n determining whether a parent has shown a reasonable degree of interest, concern or responsibility for a child's welfare, courts consider a parent's efforts to visit and

maintain contact with the child, as well as any other indicia of interest, such as inquiries into the child's welfare." We also recognize, as respondent points out, that in examining allegations under subsection (b), a trial court must focus on a parent's reasonable efforts and not his or her success, and must consider any circumstances that may have made it difficult for him to visit, communicate with or otherwise show interest in his child. See *E.O.*, 311 Ill. App. 3d 720, 726-27 (2000). However, our courts have repeatedly concluded that a parent is not fit merely because he has demonstrated some interest or affection toward his child; rather, his interest, concern and responsibility must be reasonable. *In re Jaron Z.*, 348 Ill. App. 3d 239, 259 (2004) (citing *E.O.*, 311 Ill. App. 3d at 727).

¶ 50 A review of the record demonstrates respondent's degree of interest to be woefully lacking. We acknowledge the undisputed hostility present in respondent's relationship with A.C.'s maternal grandparents. However, that does not account for respondent's failure to send A.C. letters or to even inquire as to A.C.'s welfare. Respondent sent one letter to A.C. in April 2013, outside the relevant nine-month period and months after being prompted to do so by his caseworker. In the light of the fact that respondent had been through this process before and was given another opportunity to have his son returned home, his sporadic attempts at contacting A.C. simply do not cut the statutory mustard. Thus, the trial court's finding of unfitness pursuant to 750 ILCS 50/1(D)(b) is not against the manifest weight of the evidence.

¶ 51 II. Best Interest Determination

¶ 52 The respondent argues that the trial court's determination that it was in A.C.'s best interest

to terminate respondent's parental rights was against the manifest weight of the evidence. He contends that the State presented no evidence at the best interest hearing demonstrating that respondent did not have a bond with A.C., that respondent was unable to provide a home for A.C., or that respondent was unable to support A.C.

¶ 53 Once the trial court has found the parent to be unfit, all considerations must yield to the best interest of the child. *In re I.B.*, 397 Ill. App. 3d 335, 340 (2009) (citing *In re D.T.*, 212 Ill. 2d 347 (2004)). Accordingly, at the best interest hearing, the parent's interest in maintaining a parent-child relationship yields to the child's interest in a stable, loving home life. *Id*. The State must prove by a preponderance of the evidence that termination is in the child's best interest. *Id*. Prior to termination, the best interest of a child require that no less than eight factors " 'shall be considered in the context of the child's age and developmental needs.' " *In re B.B.*, 386 Ill. App. 686, 698 (2008) (quoting 705 ILCS 405/1-3(4.05) (West 2006)). However, the trial court is not required to explicitly mention, word-for-word, the statutory factors listed in section 1-3(4.05) of the Juvenile Court Act. See *In re Janira T.*, 368 Ill. App. 3d 883, 894 (2006). In addition, a trial court may consider the nature and length of the child's relationship with his or her present caretaker and the effect that a change in placement would have upon the child's emotional and psychological well-being. *In re Jaron Z.*, 348 Ill. App. 3d 239, 262 (2004) (citing *In re J.L.*, 308 Ill. App 3d 859, 865 (1999)). On review, the trial court's determination will not be disturbed unless it is against the manifest weight of the evidence. *In re Austin W.*, 214 Ill. 2d 31 (2005).

¶ 54 Here, Guerrettaz testified that since entering this case in October 2012, she had an

opportunity to observe whether parent-child bonds had been established, and she concluded that there were little or no bonds established between respondent and A.C. Contrary to respondent's contention, Guerrettaz did explicitly state on the record that there was no bond between respondent and A.C. Respondent then suggests that this opinion is erroneously inferred and there is no evidence to support it. However, given that A.C. was removed from the home when he was only 4 or 5 months old and has not been in respondent's care for over 4½ years, it is not a logic-defying leap to infer that A.C. has no real recollection of, or bond with respondent. This is only compounded by the fact that visitations with respondent were sporadic, and then terminated completely based on A.C.'s negative reactions. Guerrettaz further indicated that A.C. and his siblings are thriving in their current environment and their foster parents have verbalized a willingness to adopt all three children. The trial court clearly recognized this in noting A.C.'s need for permanence and stability.

¶ 55 Respondent's remaining contentions that there was no evidence that he was unable to provide a home and financial support for A.C. are similarly without merit. As we noted earlier, there is no evidence of respondent's purported employment for the period from June 2012 through March 2013. Respondent had been employed for one week as of the May 20, 2013 hearing. While that is commendable, it is outside of the relevant nine-month time-frame. We agree with the trial court that this is simply too little, too late. Part and parcel to providing for the child's physical welfare, safety, and sense of security is the financial support that puts food on the table. Respondent need not be wealthy, but he failed to show he possesses the wherewithal to

find and maintain employment that would allow him to provide for A.C. The same can be said for respondent's failure to obtain housing that would properly accommodate A.C.

¶ 56 Accordingly, we find that the trial court's determination that it was in A.C.'s best interest that respondent's parental rights be terminated was not against the manifest weight of the evidence.

¶ 57 CONCLUSION

¶ 58 For the foregoing reasons, the judgment of the circuit court of Iroquois County is affirmed.

¶ 59 Affirmed.